

Notice of Allowability

Application No.

09/603,622

Examiner

Quang N. Nguyen

Applicant(s)

KAWAKAMI ET AL.

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Appeal Brief filed on 01/28/2005.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☒ The drawings filed on 26 June 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Allowable Subject Matter

1. Claims 1-11 are allowable.

2. The following is an examiner's statement of reasons for allowance:

In interpreting the claims, in light of the specification and the applicant's Appeal Brief filed on 01/28/2005, the Examiner finds the claimed invention to be patentably distinct from the prior art of record.

Gonno (US 6,404,739) teaches a transmitter transmits data via a broadcasting consisting of a satellite link; receivers receive the data and verify whether they have successfully received the data. When having failed to successfully receive the data, some of the receivers can transmit retransmission requests for requesting the retransmission of the data via a communication link consisting of the Internet (**Gonno, Abstract, col. 6, lines 1-24 and col. 11, lines 28-41**).

Miller et al. (Starburst Multicast File Transfer Protocol "MFTP" Specification), teach a multicast transmission environment that makes use of a Status Request Message that is sent from the server to the client in order to query the client for its reception status, wherein the client responds with an ACK or NAK Response message, depending on the type of status requested (only NAKs are normally used). The Status Request Message maybe sent in unicast, broadcast, or multicast mode (**Miller, page 50, section 12.2.4**).

The prior art of record teaches the claimed invention substantially, but it fails to teach or suggest individually or in combination that a data communication system comprising: a main station; plural substations, each of which is connected to said main station by a common transmission line; a data transmitter which transmits data addressed to all of said plural substations, provided in said main station; plural data receivers which receive said data, provided in said plural substations respectively; a message transmitter which transmits a query message addressed to all of said plural substations after said data are transmitted, to inquire whether reception was normal, provided in said main station; and plural response transmitters which transmit a carrier as a response message to said query message, only when said data could not be received normally, provided in said plural substations respectively; wherein, whenever said main station receives a certain signal wave after transmitting said query message, said main station judges the signal wave said carrier transmitted from one or more of said plural substations and retransmits said data addressed to all of said plural substations and wherein when said main station detects no signal during a certain time period, the main station transmits the next transmission data as set forth in independent claim 1. Claims 1-11 are allowed because of the combination of other limitations and the limitation listed above.

The examiner finds the Applicant's arguments on pages 3-5 of the Appeal Brief filed on 01/28/2005 to be persuasive. The applicant argued in substance that the combination of prior art of records fail to disclose the features of the invention including


whenever said main station receives a certain signal wave after transmitting said query message, said main station judges the signal wave said carrier transmitted from one or more of said plural substations and retransmits said data addressed to all of said plural substations and wherein when said main station detects no signal during a certain time period, the main station transmits the next transmission data, as claimed in the invention to correctly recognize an occurrence of a data transmission failure even if the signal of the response message is destructed by a collision of messages or occurrence of noise and as a result, the main station (server) only has to effect carrier sensing and does not need to decipher any transmission signal transmitted by the carrier (client) when judging (**see Appeal Brief, page 4, lines 2-4 and page 5, lines 8-11**).

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER